

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

Bail Appl..No. 379 of 2007()

CRIME NO. 281/06 OF VIYYUR POLICE STATION

PETITIONER/2ND ACCUSED

JAYAN, S/O.KUTTAN,
VALLATHUPARAMBIL HOUSE, VILVATTOM VILLAGE.

BY ADV. SRI.P.K.ANIL

RESPONDENTS: COMPLAINANT/STATE

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1. CIRCLE INSPECTOR OF POLICE,
TRICHUR EAST POLICE STATION.
 2. THE SUB INSPECTOR OF POLICE,
VIYYUR POLICE STATION.
 3. STATE REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 379 of 2007

DATED: 30th January, 2007

ORDER

Petitioner who is the 2nd accused in Crime No. 281/06 of Viyyur Police Station for offences punishable under Sections 143, 147, 148, 302 and 201 read with Sec. 149 I.P.C., seeks his enlargement on bail. The occurrence took place on 23-7-2006. The petitioner was arrested on 15-8-2006.

2. The learned Public Prosecutor opposed the application.

3. 18 year old Jindo who was a student of Polytechnic was abducted by a gang consisting of 5 persons including the petitioner herein and kept under wrongful confinement for the purpose of claiming ransom from his father. The boy was missing from 23-7-2006 onwards and originally Vaikom Police had registered a case as Crime No. 570/06 under the caption "man missing". After abduction the boy was heavily drugged by mixing Nitrate in his food and kept under wrongful restraint in the unfinished house of one Rajesh at Parathodu. Subsequently the boy somehow or other managed to escape from there. He was captured and strangulated and smothered and then drowned to death by forcibly immersing him in a thodu after tying rope around his neck. Thereafter, with a view to destroy the evidence of commission

of offence, the deadbody of the boy was buried in the aforesaid unfinished house.

3. Two of the earlier applications for bail filed by the petitioner were dismissed by this Court. The petitioner was accused in another murder case (Crime No. 25/02 of Pazhayannoor Police Station) which was tried as S.C. 756/06 before the III Addl. District judge (Fast Track Court No. II, Thrissur). After the dismissal of the earlier two bail applications by the petitioner, the petitioner has not been able to show any change of circumstance justifying his release. I am, therefore, not inclined to grant bail to the petitioner. At the same time, the J.F.C.M.-I, Thrissur before which the case is pending as C.P. 58/06 shall commit the case for trial expeditiously after complying with the procedure under Sec. 207 Cr.P.C.

4. A copy of the order shall be forwarded to the J.F.C.M.- I, Thrissur .

This bail application is dismissed.

V.RAMKUMAR, JUDGE.

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